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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/280,791 03/26/99 QIN

F 09019.0058US

EXAMINER

IM31/0509

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PRATT, C

ART UNIT

PAPER NUMBER

1771

DATE MAILED:

05/09/01

Please find below and/or attached an Office communication concerning this application r  
pr ceeding.

Commissioner of Patents and Trad marks

Mail

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/280,791	QIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher C. Pratt	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2001.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 35 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) g.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendments and accompanying remarks filed 4/5/01 have been entered and carefully considered. Applicant's amendment is found to overcome the 102 rejections set forth in the last action. Despite this advance, the amendments are not found to patentably distinguish the claims over the prior art and Applicant's arguments are not found persuasive of patentability for reasons set forth herein below.

### ***Election/Restrictions***

2. This application contains claims 35-36 drawn to an invention nonelected with traverse in Paper No. 5. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-2, 5, 11-14, 15-16, 18-20, 29-31, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honeycutt (5207837).

Applicant has amended the claims to specify the degree of polymerization of the polyvinyl alcohol fibers. The examiner previously indicated on page 9 of the last action that if applicant's claimed range is not inherent in the fibers of Honeycutt that it would have been obvious to vary the degree of polymerization, as a result effective variable. In further support of this position the examiner cites the following references in order to

establish that it is common and well known in the art to vary the degree of polymerization of polyvinyl alcohol fibers in nonwoven fabrics: 6190502, 6123777, 6048410, 6033806, 5985443, 6162864. The skilled artisan would have been motivated to vary the degree of polymerization of Honeycutt's fibers by the desire to alter the water solubility of the fibers.

Applicant also argues that Honeycutt does not teach a spun-laced fabric. A spun-laced fabric is a fabric which has been subjected to a water jet treatment or hydroentangled. Honeycutt teaches this limitation (col. 3, line 49).

5. Claims 1-2, 4-7, 9-12, 14-19, 29-31, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamura et al (5882780).

With respect to the newly added "degree of polymerization" limitation the examiner previously stated that if applicant's claimed range is not inherent in the fibers of Yamamura that it would have been obvious to vary the degree of polymerization, for the reasons set forth above, as well as the reasons set forth in the previous action.

Applicant argues that Yamamura only discloses dissolving the polyvinyl alcohol fibers and therefore does not teach a polyvinyl alcohol fiber fabric. It is the examiner's position that applicant's arguments are not commensurate in scope with the claims. Claim 1 does not recite a fabric "consisting" of polyvinyl alcohol. The claim utilizes the open language "comprising" which allows for other materials to be present in the claim. Similarly, a "polyvinyl alcohol fabric" does not require that the polyvinyl alcohol be in the form of fibers. Furthermore, the claim is written as a product-by-process claim wherein

the first step of the process starts with polyvinyl alcohol fibers. The claim then provides other steps and does not preclude the possibility that the fibers lose their structure.

Yamamura teaches hydroentangling (col. 9, line 7).

6. Claims 3,8, and 21-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over both Honeycutt (5207837) and Yamamura (5882780) in view of Chen et al (5990377), as set forth in the last action.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

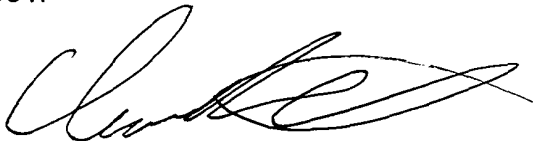
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Pratt whose telephone number is 703-305-6559. The examiner can normally be reached on Monday - Friday from 7 am to 4 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2351.



Christopher C. Pratt  
May 3, 2001



BLAINE COPENHEAVER  
PRIMARY EXAMINER